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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,965	07/23/2001	Darren R. Brabaw	115-016-1	2292

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,965

Applicant(s)

BRABAW, DARREN R.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/2001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Receipt is acknowledged of the IDS, filed on 7/23/2001, and the drawings, filed on 9/10/2001, which have been entered in the file. Claims 1-20 are pending.

Drawings

1. The drawings were received on 9/10/2001. These drawings are acceptable to the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen et al (US 5,109,153).

Re claim 1: Johnsen et al teaches a method and apparatus of cancelling a bar code (code 14, see figures 1 and 2), previously imprinted upon a photoresponsive bar code label (voidable article 10, see figure 1 and column 3, lines 6-9) printed as a result of exposing predetermined portions of said photoresponsive bar code label to a predetermined radiation level whereby said predetermined exposed portions of said photoresponsive bar code label become blackened (see column 5, lines 14-39), comprising the steps of: providing a radiation source (light source element 24, see figures 6 and 7 and column 7, lines 34-38) capable of generating sufficient radiation such that an object disposed within the vicinity of said radiation source will be radiated;

and exposing a printed bar code label, which has a bar code pre-printed thereon, to said radiation source such that the entire expanse of said pre-printed bar code label is exposed to said radiation source (see column 6, lines 34-55) whereby said entire expanse of said pre-printed bar code label is radiated to said predetermined level such that said entire expanse of said pre-printed bar code label becomes blackened (see figure 2) so as to thereby render said bar code, pre-printed upon said bar code label, illegible and unreadable.

Johnsen et al fails to specifically teach the bar code label being a thermal-direct-printed bar code label printed as a result of exposing predetermined portions of said thermal-direct-printed bar code label to a predetermined temperature level whereby said predetermined exposed portions of said thermal-direct-printed bar code label become blackened; providing a heat source capable of generating sufficient heat such that an object disposed within the proximity of said heat source will be heated to said predetermined temperature level; and exposing a packaging container, having a thermal-direct-printed bar code label affixed thereon and comprising a bar code pre-printed thereon as a result of thermal activation at said predetermined temperature level, to said heat source such that the entire expanse of said thermal-direct-printed bar code label is exposed to said heat source so as to heat said entire expanse of said thermal-direct-printed bar code label to said predetermined temperature level such that said entire expanse of said thermal-direct-printed bar code label becomes blackened so as to thereby render said bar code, pre-printed upon said thermal-direct-printed bar code label, illegible and unreadable.

However, Johnsen et al also teaches that the radiant energy source 24 may be heat and the material 13 can be replaced by a heat responsive material (see column 1, line 64-66 and column 7, lines 3-8). Thus, the use of heat responsive material suggests, to one of ordinary skill in the art at the time of the invention, the use of thermal-direct-printing to print code 14 in the heat responsive material and the use of a heat source to cancel the bar code by blackening the remainder of the heat responsive material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and apparatus of Johnsen et al, the bar code label being a thermal-direct-printed bar code label printed as a result of exposing predetermined portions of said thermal-direct-printed bar code label to a predetermined temperature level whereby said predetermined exposed portions of said thermal-direct-printed bar code label become blackened; providing a heat source capable of generating sufficient heat such that an object disposed within the proximity of said heat source will be heated to said predetermined temperature level; and exposing a packaging container, having a thermal-direct-printed bar code label affixed thereon and comprising a bar code pre-printed thereon as a result of thermal activation at said predetermined temperature level, to said heat source such that the entire expanse of said thermal-direct-printed bar code label is exposed to said heat source so as to heat said entire expanse of said thermal-direct-printed bar code label to said predetermined temperature level such that said entire expanse of said thermal-direct-printed bar code label becomes blackened so as to thereby render said bar code, pre-printed upon said

thermal-direct-printed bar code label, illegible and unreadable; since Johnsen et al teaches that heat responsive material may be used in place of photoresponsive material (see column 7, lines 3-8, of Johnsen et al).

Re claim 2: Johnsen et al fails to specifically teach wherein said predetermined temperature level is within the range of 100-500 degrees F.

However, at the time of the invention, it was well known those of ordinary skill in the art to perform thermal printing at a temperature level within the range of 100-500 degrees F.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the teachings of Johnsen et al, wherein said predetermined temperature level is within the range of 100-500 degrees F, in order to make the method and apparatus compatible with conventional thermal printing and to prevent activation of the thermal material at ambient temperatures below 100 degrees F.

Re claim 3: Johnsen et al teaches that said heat source may comprise a laser source (see column 6, lines 36-38).

Re claims 4-6: The teachings of Johnsen et al have been discussed above. Johnsen et al also teaches that the bar code label (voidable article 10) may be a postage stamp (see column 3, lines 6-9), thus suggesting subsequently affixing the bar

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code label upon a packaging container (an envelope or box being mailed, for example), whereby said packaging container can be reused by affixing a new bar code label thereon (naturally, the envelope or box can be reused by affixing a new postage stamp thereon, for example).

4. Claims 7-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen et al in view of Smith (US 3,541,289).

The teachings of Johnsen et al have been discussed above.

Johnsen et al fails to specifically teach providing a work station; disposing said heat source at said work station; and conveying said packaging container to said work station by means of a conveyor so as to expose said packaging container to said heat source whereby said bar code, pre-printed upon said thermal-direct-printed bar code label, can be effectively cancelled as a result of said thermal-direct-printed bar code label being blackened throughout the entire extent of said thermal-direct-printed bar code label as a result of being exposed to said heat source; wherein: said heat source comprises a plurality of heating elements disposed at said work station; providing first and second entry and exit photo-cell systems operatively associated with said conveyor for controlling the conveyance of said packaging container upon said conveyor into and out from said work station; the step providing a central processing unit (CPU) for controlling said conveyor in response to signals from said first and second photocell systems, and for respectively controlling energization and de-energization of said heat source when said packaging container is disposed at said work station, and when said

packaging container is absent from said work station; wherein said work station comprises an oven-type enclosure; and said conveyor conveys said packaging container through said oven-type enclosure.

Smith teaches a method and apparatus including providing a work station (see figure 1); disposing a heat source (a microwave heat source, including at least a magnetron (not shown in figure 1), launching waveguide section 4 and input waveguide 5, see figures 1, 3 and column 2, lines 12-15) at said work station; and conveying a packaging container (not shown) to said work station by means of a conveyor (conveyor belt 7, see figure 1) so as to expose said packaging container to said heat source; wherein: said heat source comprises a plurality of heating elements disposed at said work station (the launching waveguide section 4 and input waveguide 5 comprise a plurality of heating elements); providing first and second entry and exit photo-cell systems (photocell systems 8, 8a and 9, 9a, respectively, see figure 1 and column 2, lines 29-36) operatively associated with said conveyor for controlling the conveyance of said packaging container upon said conveyor into and out from said work station; the step providing a central processing unit (a control circuit, see figure 3 and column 2, lines 50-71) for controlling said conveyor in response to signals from said first and second photocell systems, and for respectively controlling energization and de-energization of said heat source when said packaging container is disposed at said work station, and when said packaging container is absent from said work station; wherein said work station comprises an oven-type enclosure (tunnel 1, see figure 1); and said conveyor conveys said packaging container through said oven-type enclosure

(also see column 1, lines 13-24, column 2, lines 5-36, column 2, line 50 - column 3, line 15).

In view of Smith's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and apparatus as taught by Johnsen et al, providing a work station; disposing said heat source at said work station; and conveying said packaging container to said work station by means of a conveyor so as to expose said packaging container to said heat source whereby said bar code, pre-printed upon said thermal-direct-printed bar code label, can be effectively cancelled as a result of said thermal-direct-printed bar code label being blackened throughout the entire extent of said thermal-direct-printed bar code label as a result of being exposed to said heat source; wherein: said heat source comprises a plurality of heating elements disposed at said work station; providing first and second entry and exit photo-cell systems operatively associated with said conveyor for controlling the conveyance of said packaging container upon said conveyor into and out from said work station; the step providing a central processing unit (CPU) for controlling said conveyor in response to signals from said first and second photocell systems, and for respectively controlling energization and de-energization of said heat source when said packaging container is disposed at said work station, and when said packaging container is absent from said work station; wherein said work station comprises an oven-type enclosure; and said conveyor conveys said packaging container through said oven-type enclosure; in order to provide automated cancelling of the bar code labels, thereby increasing efficiency.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen et al as modified by Smith as applied to claim 14 above, and further in view of Norris (US 3,646,880).

Johnsen et al as modified by Smith fails to specifically teach wherein said heat source comprises at least one heated platen; and said at least one heated platen is mounted upon a movable support so as to be movable toward and away from said packaging container.

Norris teaches a workstation including a conveyor and a heated platen (front and rear upper heating platen units 78 and 79, respectively, see figure 5 and column 4, lines 38-40) mounted upon a movable support (a pivotal mounting structure 81, see column 4, lines 43-50) so as to be movable toward and away from a container.

In view of Norris's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and apparatus as taught by Johnsen et al as modified by Smith, wherein said heat source comprises at least one heated platen; and said at least one heated platen is mounted upon a movable support so as to be movable toward and away from said packaging container, since a heated platens and a microwaves are art recognized equivalent heating sources.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greenaway (US 4,143,810), Bowman (US 4,611,601), Walters et al (US 4,788,419), Nicholas et al (US 4,996,104), Manico et al (US 5,940,637), Blackman (US 6,009,400), Simons et al (US 6,214,623), Ehrhart et al (US 6,419,157), Gatto (US 6,732,920), Wood (US 5,484,289), Spirig (GB 2 390 592 A) and Handa et al (JP 5-19695 A) all teach methods/apparatus for printing bar codes and/or canceling bar codes.

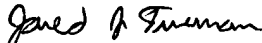
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jared J. Fureman
Primary Examiner
Art Unit 2876

December 11, 2005